

Case: Tina Moore, et al. v. Brian
Kaminski, et al.

4:14-CV1443 SNLJ

Transcript of: Richard Henke

Date: December 14, 2015

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In Re:

Tina Moore, Individually, et al.,

vs.

Brian Kaminski, et al.

December 14, 2015

Deposition of RICHARD HENKE

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1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE ASTERN DISTRICT OF MISSOURI
3 EASTERN DIVISION
4

5 TINA MOORE, Individually and as Personal
6 Representative of the ESATATE OF JASON
7 MOORE, DELORES MOORE, and RENEE RODGERS,
8 as Next Friend for A.D.R., a Minor,
9 Plaintiffs,

10 Case Nos. 4:14-CV1443 SNLJ
11 v. 4:14-CV1447 SNLJ
12 (Consolidated)

13 BRIAN KAMINSKI, et al.,
14 Defendants.
15
16
17
18

19 Videotaped Deposition of RICHARD HENKE, taken on
20 behalf of the Plaintiffs, at the offices of Pitzer
21 Snodgrass, 100 South Fourth Street, Suite 400,
22 St. Louis, Missouri, between 3:35 P.M. and 4:59 P.M.,
23 December 14, 2015, before J. Bryan Jordan, Certified
24 Court Reporter No. 00532, State of Missouri.
25

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2

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1 THE VIDEOGRAPHER: We're on the record at
2 3:35. Today is December 14th, 2015, and we are at
3 Pitzer Snodgrass in St. Louis, Missouri. This is the
4 deposition of Richard Henke, being taken in the cause
5 of Tina Moore, et al., vs. Brian Kaminski, et al.,
6 pending in the United States District Court for the
7 Eastern District of Missouri, Eastern Division.

8 My name is Tim Perry, Certified Legal Video
9 Specialist, here today with Jerry Jordan, our
10 Certified Court Reporter. We're with Gore Perry
11 Reporting & Video, a 515 Olive Street in St. Louis,
12 Missouri.

13 Counsel, please identify yourselves for the
14 record.

15 MR. DOWD: My name is Bill Dowd. I'm here
16 on behalf of Tina Moore, and Delores Moore, and the
17 minor son.

18 MS. SHAFaIE: Ida Shafaie, for Defendants
19 and Richard Henke individually.

20 THE VIDEOGRAPHER: Thank you.

21 Jerry, please swear in the witness.

22 RICHARD HENKE,
23 of lawful age, having been first duly sworn to testify
24 the truth, the whole truth, and nothing but the truth
25 in the case aforesaid, deposes and says in reply to

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1 oral interrogatories propounded as follows, to-wit:

2 EXAMINATION

3 QUESTIONS BY MR. DOWD:

4 Q. Sir, would you tell the jury your name,
5 please?

6 A. Richard Henke.

7 Q. My name is Bill Dowd. As you know, I'm a--I
8 represent some of the family of Jason Moore, who died
9 on September 17th, 2011, and I'm here to ask you some
10 questions about that incident and the Ferguson Police
11 Department in general. Do you understand that?

12 A. Yes.

13 Q. Have you given your deposition before?

14 A. In this case? No.

15 Q. In any case?

16 A. I've given deposition before, yes.

17 Q. Approximately how many?

18 A. At least two.

19 Q. Okay, and were they involving your
20 professional capacity as a police officer?

21 A. Yes.

22 Q. Okay, do you recall which, either of those
23 cases, what they were about?

24 A. One, specifically, that I remember was a
25 lawsuit involving a ex-Ferguson employee. The second,

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1 I'm totally drawing a blank on it, but I remember I
2 had to give a deposition, but I cannot remember what
3 it was about.

4 Q. Okay.

5 A. I honestly can't.

6 Q. Okay. I'll remind you as we're going
7 through here, we have a court reporter to take down
8 the transcription of what you and I say, and to keep
9 it clear, the transcript clear, I will try to let--let
10 you finish your answers before I begin my next
11 question. Sometimes in conversation, we might, you
12 know, step on each other. Same is true when I'm
13 asking my questions, if you'd be kind enough to let me
14 finish it completely.

15 If I say you have to out loud--answer out
16 loud, what I'm referring to is sometimes, we get
17 conversational. You and I will be able to communicate
18 nodding head, "Huh-uh," "Uh-uh," but we don't want to
19 put the court reporter in a position of having to
20 interpret any of that, so if I say you have to answer
21 out loud, that's what I'm referring to. Okay?

22 A. Understood.

23 Q. If, at any time, you don't understand my
24 questions, I'm going to ask you to tell me so I can
25 rephrase them, and if you answer my questions, we are

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1 going to assuming for the record, and the Court, and
2 the jury that you did understand the question as
3 asked. Do you understand that?

4 **A.** Understand that.

5 **Q.** Okay. Can you tell us a little bit about
6 your educational history?

7 **A.** College educated, Bachelor's degree in
8 management. Went to the FBI national Academy School
9 of Management, as well.

10 **Q.** And what year was that?

11 **A.** Nineteen ninety--good question. 1997, I
12 believe.

13 **Q.** And what did you do after you left the FBI
14 School of Management?

15 **A.** I was employed with the Ferguson Police
16 Department at that time, and I continued my
17 employment.

18 **Q.** When did you start with Ferguson Police?

19 **A.** 1978.

20 **Q.** And when did you leave Ferguson?

21 **A.** 2015, March.

22 **Q.** Had you worked for any other police
23 department prior to Ferguson?

24 **A.** No.

25 **Q.** And were you a patrol officer when you began

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1 at Ferguson?

2 A. Yes.

3 Q. And just give us in summary fashion, if you
4 would, your history at Ferguson as far as your
5 positions.

6 A. My first promotion was nine years after I
7 started in '78, I was promoted to Sergeant. I don't
8 recall exactly when the other promotions were made,
9 but eventually, I rose to the rank of Captain of
10 Police.

11 Q. And were you a Lieutenant in between
12 Sergeant and--

13 A. Yes.

14 Q. --Captain? Okay, and approximately, when
15 did you achieve the rank of Captain?

16 A. There was actually a restructuring. I was
17 actually promoted to the rank of Major, but we stopped
18 using the Major rank, and I became a Captain at that
19 time, but I want to say probably around 1996-1997,
20 somewhere around there.

21 Q. So did you go--was the FBI, you graduated
22 from the FBI School of Management, was that something
23 that helped you become a Captain, or was that
24 something--

25 A. No, I was--made the rank prior to that.

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1 **Q.** Okay, so you were a Captain and then you
2 went to that school?

3 **A.** Correct.

4 **Q.** Understood. So when you left Ferguson in
5 March of 2015, can you tell me under what
6 circumstances you left?

7 **A.** I retired.

8 **Q.** And was that in any way involved with the
9 Michael Brown investigation and the Officer Wilson
10 shooting?

11 **A.** It sure helped, but that wasn't the exact
12 reason. The previous year, 2014, I had had a
13 conversation with Chief Jackson that I was interested
14 in retiring. I had a--pretty sure I had a job lined
15 up with Emerson Electric, and--but in August, prior to
16 going on with Emerson, the incident occurred involving
17 Michael Brown, and I decided to stay with Ferguson. I
18 didn't want to leave them at that time. Things calmed
19 down, and again, I told the Chief that I would be
20 still wanting to retire as soon as I possibly could.

21 **Q.** Okay, did something come out in the Ferguson
22 investigation that prompted you finally to retire?

23 **A.** There was a lot of negative stories being
24 put out in the press. I had indicated--again, Chief
25 Jackson and I spoke at one time, and I was curious if

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1 he thought he would be able to keep his job as the
2 Chief of Police, and he really didn't know if that was
3 going to happen, and I said, "Well, my opinion is that
4 there's going to be two people that will lose their
5 job. That will be Chief Jackson and myself," I said,
6 and I compared it to baseball. I said if your
7 baseball team doesn't win, they don't fire the third
8 baseman, they fire the manager. At that time, I was
9 in charge of field operations, or the Patrol Division,
10 and they were under fire for practices more so than
11 anyone else, so I just assumed my job was probably in
12 jeopardy, and thus, I retired.

13 Q. Was there accusations of some improper
14 e-mails involved in your retirement?

15 A. Involved in my retirement? No, but involved
16 during the investigation, yes.

17 Q. And what were those, please?

18 A. There were supposedly--and I never saw them
19 other than what was printed in the press, but I never
20 saw them officially, there was no report shown to me,
21 but the, the--the release was made to the press that
22 there were e-mails sent to my e-mail account from a
23 Ferguson employee that had to deal with what was
24 considered to be racist comments.

25 Q. They were reported to be from your e-mail

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1 address?

2 **A.** They were sent to me.

3 **Q.** To you. Thank you.

4 **A.** There was another e-mail that also was
5 construed as being racist that was sent from my
6 account, although it wasn't, but it was construed that
7 it was--

8 **Q.** Okay, construed that--

9 **A.** --by the press.

10 **Q.** Excuse me. I'm sorry, construed that it was
11 sent from your account?

12 **A.** No, construed that it was racism that I had
13 sent, but it was--certainly was not. As a matter of
14 fact, it was just the opposite.

15 **Q.** May I ask you what you have reviewed as far
16 as documents in preparation for your deposition today?

17 **A.** I reviewed the original police report, the
18 use-of-force report, and the use-of-taser report.

19 **Q.** Anything else?

20 **A.** No.

21 **Q.** And when was the last time you saw those
22 prior to reviewing them in preparation for your
23 deposition?

24 **A.** Well, I would imagine it was shortly after
25 the incident. The exact date and time, I don't know.

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1 **Q.** Okay, do you have a specific recollection of
2 reviewing the police report, the use-of-force report,
3 and the use-of-taser report in this case in--in the
4 September or October 2011?

5 **A.** Specifically, no, I do not remember.

6 **Q.** Okay. Did you write any reports as a result
7 of the encounter between Officer Kaminski and
8 Mr. Moore?

9 **A.** Did I write?

10 **Q.** Yes, sir.

11 **A.** No, I do not believe I wrote any kind of
12 report, no.

13 **Q.** Okay, and when I--I mean "report" in the
14 broadest sense. Let's go through a couple of
15 examples, and we were calling--Exhibit 12 in this case
16 is the police report, the investigative report. Did
17 you write any portions of that?

18 **A.** No.

19 **Q.** Okay. Did you write any reports from you to
20 Chief Jackson?

21 **A.** Again, I may have. It may have been--and if
22 it had been, they would have been an e-mail sent to
23 the Chief just updating him, possibly, but I don't
24 remember.

25 **Q.** Okay, no written paper report that you

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1 filled out as far as any disciplinary action that was
2 evaluated?

3 **A.** No. No.

4 **Q.** Did you evaluate Officer Kaminski's use of
5 force in this case?

6 **A.** I reviewed and found it to be accurate.

7 **Q.** What do you mean by that?

8 **A.** All of the proper spaces that needed to be
9 completed on the report were completed, it was
10 reviewed by the supervisor, properly reviewed by the
11 supervisor, and I--and again, I don't recall if I
12 actually had signed off on the report because I don't
13 even remember if I was working that day or the next
14 day, when the report came in, so my review would have
15 been just as I explained, that the report, itself, was
16 done completely.

17 **Q.** Okay, so the report, itself, was done
18 completely, and you said that the supervisor had
19 written the use-of-force report. That would be
20 Lieutenant Ballard in this case?

21 **A.** Correct.

22 **Q.** And he did not indicate, on the use-of-force
23 form report, whether the use of force was proper or
24 improper; correct?

25 **A.** Well, actually, he has to--he will--he

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1 should not have signed off on the report unless it was
2 completed properly.

3 Q. So it's my understanding from Officer--
4 Lieutenant Ballard's report that he left--so I'm going
5 to give you Exhibit 12 and refer you to Ferguson 0014,
6 which is page 1 of 3 of the use-of-force report in
7 this case. Would you mind looking at that, please?
8 Thank you.

9 (Witness peruses said document.)

10 This appears to be the use-of-force report
11 with regard to Jason Moore; correct?

12 A. Yes.

13 Q. All right, and it's signed by Lieutenant
14 Ballard?

15 A. Yes.

16 Q. Looks like he signed it on September 17th,
17 2011?

18 A. Correct.

19 Q. Okay, and then below that, it says,
20 "Officer's actions comply with Department policy," and
21 he did not check "Yes," and he did not check "No." Do
22 you see that?

23 A. Yes.

24 Q. And then underneath, it says, "Division
25 commander," and that is blank?

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1 **A.** Yes.

2 **Q.** Would that be you?

3 **A.** It would have been, yes. That would have
4 been me.

5 **Q.** This is the only record that the City of
6 Ferguson has produced as far as use-of-force reports.
7 Would you agree with me that you did not sign off as a
8 division commander, and--is that, first of all, that
9 statement accurate?

10 MS. SHAFATIE: Object to form. You can
11 answer.

12 **A.** Um, correct, I did not sign this report.
13 BY MR. DOWD:

14 **Q.** Okay, and if Lieutenant Ballard indicated
15 that the reason he did not indicate whether or not the
16 officer's actions complied with Department policy is
17 that he was sending that upstairs to you to make that
18 determination because there had been a death, would
19 that be consistent with your experiences at Ferguson?

20 **A.** No, normally, they would have still--because
21 the supervisor completes this, so the supervisor would
22 have signed off on it and made the determination
23 because more than likely, he was at the scene. I was
24 not at the scene.

25 **Q.** Understood, so you would rely on

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1 Officer--excuse me. I keep saying "Officer"--
2 Lieutenant Ballard's evaluation because he was, in
3 fact, at the scene of this case and was involved with
4 with the officers?

5 A. Correct.

6 Q. Okay, so is it safe to say that you did not
7 do an independent investigation of Mr.--Officer
8 Kaminski's use of force in this incident?

9 A. I'm sure I did not.

10 Q. Okay, you did not interview Officer
11 Kaminski?

12 A. I did not.

13 Q. You did not interview Officer White?

14 A. No, I did not.

15 Q. You did not interview and make notes of any
16 interviews with Lieutenant Ballard; correct?

17 A. Correct.

18 Q. Okay. Do you know if you ever saw this
19 use-of-force report prior to reviewing it this week?

20 A. I can only assume that I did, because again,
21 I was the division commander. I would have thought
22 somewhere, I would have reviewed this, but on that
23 specific date and time, I may have been off. I do not
24 know. I just don't remember.

25 Q. If you had reviewed it, would you have

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1 signed off and put your DSN and dated it?

2 **A.** Um--

3 **Q.** As part of your custom and practice?

4 **A.** Not until I would have found out if--what
5 Lieutenant Ballard wanted to put down, whether this
6 was--complied with the Department policy or not. I
7 would have wanted that done first, before it's signed
8 off on.

9 **Q.** So as far as at least this record in front
10 of us, there's no indication that the Department,
11 either Lieutenant Ballard or yourself, ever came to a
12 final conclusion about the proper use of force in this
13 case.

14 MS. SHAFAT: Object,--

15 BY MR. DOWD:

16 **Q.** (Continuing) Is that a fair statement?

17 MS. SHAFAT: --form and foundation. You
18 can answer.

19 **A.** Yes.

20 BY MR. DOWD:

21 **Q.** Okay. Would there be any other documents
22 that would contain a memorandum or notes of what may
23 have taken place as far as determining whether Officer
24 Kaminski's use of force was justified?

25 **A.** With this being a taser incident, there

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1 would have been a taser report completed, as well, and
2 then, of course, the police report.

3 Q. Okay. Other than the taser use-of-force
4 report, and this police report and this use-of-force
5 report, anything else?

6 A. No. There would not have been.

7 Q. Were you aware of any of the officers who
8 were trained as instructors in the use of taser? Were
9 they able to download the taser firing sequences at
10 the station?

11 A. I do not know if--

12 MS. SHAFIAIE: Object.

13 A. --if they were capable to do that, or--

14 THE WITNESS: Sorry.

15 MS. SHAFIAIE: That's okay.

16 BY MR. DOWD:

17 Q. Do you remember--

18 Excuse me.

19 Do you remember Officer Brannon?

20 A. Yes. Yes.

21 Q. Okay, and my understanding is he was one of
22 the taser officers, the lead taser officers at
23 Ferguson. Is that consistent with your understanding?

24 A. Yes. That was correct.

25 Q. So if he said he was able to technically

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1 download the taser firing sequence at the station, you
2 would have no reason to disagree with that?

3 **A.** Agreed.

4 **Q.** Okay.

5 **A.** I would not have.

6 **Q.** At the time--and assume that the only taser
7 download that was done was not done at Ferguson but
8 was done at Taser International and then sent back to
9 Officer Brannon in early 2014. Can you assume that
10 for me? That's what the records we have indicate.

11 **A.** Oh, then if that's what they show, yes.

12 **Q.** Okay. Would you agree, then, that at the
13 time of Lieutenant Ballard, and to the extent you were
14 involved at all, that you would not have had the
15 actual firing sequence of the taser downloads but, in
16 fact, would have had to solely rely on Officer
17 Kaminski's report of what happened?

18 MS. SHAFATIE: Foundation. You can answer.

19 **A.** Correct, but I--that still would have been
20 part of the investigation.

21 BY MR. DOWD:

22 **Q.** What would have been part?

23 **A.** The sequences. I would have wanted that
24 information sometime or another, so--

25 **Q.** Right.

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1 **A.** But I don't know how long it takes to get
2 that. I--do not know if Officer Brannon could do that
3 right away or how long it would take Taser to do that.

4 **Q.** Okay. As you sit here today, have you ever
5 seen the taser firing sequence download?

6 **A.** No. I did not.

7 **Q.** Do you know how many times Mr. Moore was
8 tased the morning of September 17th, 2011?

9 **A.** Only by what the report states.

10 **Q.** Okay, the narrative report of Officer
11 Kaminski?

12 **A.** Correct.

13 **Q.** Do you know, other than what Officer
14 Kaminski has reported to you, do you know how long the
15 duration of each of those taser applications was?

16 **A.** They are five-second--

17 **Q.** Okay.

18 **A.** --application.

19 **Q.** So at the time of the incident, and the time
20 this report was written, and at the time that you were
21 involved to the extent you were involved, it was your
22 understanding that there were three five-second taser
23 applications with time in between each for--to
24 determine if the subject was complying and to assess
25 the threat?

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1 MS. SHAFAT: Form--

2 A. Yes.

3 MS. SHAFAT: --and foundation. You can
4 answer.

5 THE WITNESS: Sorry.

6 MS. SHAFAT: That's okay.

7 A. (Continuing) Yes.

8 BY MR. DOWD:

9 Q. Did you ask anyone to do a taser download so
10 that you could determine what the firing sequences
11 were according to the computer onboard that Taser X26?

12 A. Did I ask? No.

13 Q. Are you aware if anyone at the Department
14 asked for that to be done?

15 A. Who it would have been, no, but it would
16 have been customary, when we have a taser incident, to
17 receive that information.

18 Q. Okay, where would you receive it from,
19 customarily?

20 A. Eventually, in more times than not, I
21 believe it would have been--it would have come from
22 Officer Brannon.

23 Q. Have you had any discussions with Officer
24 Brannon about this case?

25 A. Yes, but only from the respect that he

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1 advised me that we were short tasers because this
2 specific taser had to be sent back to Taser
3 International.

4 **Q.** Okay, had to be pulled out of service and
5 put in evidence first, right?

6 **A.** Correct.

7 **Q.** Okay, and then you are not sure exactly when
8 it was sent to taser for analysis?

9 **A.** No, I do not know.

10 **Q.** So that's the only conversation you recall
11 regarding Officer Brannon and Officer Kaminski's
12 conduct? Do you have any recollection of any
13 conversations with Lieutenant Ballard?

14 **A.** Specifically, no.

15 **Q.** Okay.

16 **A.** I do not.

17 **Q.** Any--do you recall any conversations that
18 you had with Officers Kaminski, Bebe, or White?

19 **A.** No, I--I don't recall a conversation. I can
20 only assume--well, as a matter of fact, Officer
21 Kaminski, I'm sure I would have spoke to him at one
22 time. I don't remember what was said, but I just
23 asked how he was doing. I do recall that, but I don't
24 remember any specifics about a conversation;
25 certainly, not about the investigation.

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1 **Q.** Okay. Was there an Internal Affairs
2 investigation undertaken by anyone at the City of
3 Ferguson?

4 **A.** To my knowledge, no.

5 **Q.** Okay. Who would have been the Internal
6 Affairs officers at that time in September of 2011?

7 **A.** Any type of investigation like that is
8 determined by the Chief, and he decides who is to do
9 the investigation.

10 **Q.** In the case of Officer Kaminski's conduct,
11 was anyone assigned to investigate that, to your
12 knowledge?

13 **A.** Again, I do not know. I don't recall if
14 anyone was assigned.

15 **Q.** Okay. Certainly, we know it wasn't you,
16 correct?

17 **A.** Correct.

18 **Q.** And to your knowledge, as the field
19 operations commander at that time, you are not aware
20 of anybody who was assigned to do--

21 **A.** No.

22 **Q.** --an investigation, correct?

23 **A.** I do not remember that being done.

24 **Q.** Okay. To your knowledge, it was not done?

25 **A.** I don't remember if it was.

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1 Q. Okay.

2 A. If it was brought to my attention, I don't
3 recall.

4 Q. If it was done, would there be any documents
5 that would have contained that, assigned officers' or
6 commanders'--

7 A. I would hope so,--

8 Q. --findings? Okay.

9 A. --but I, again, I have not--I don't recall
10 seeing them if there were.

11 Q. Okay, who would have them if there were?

12 A. It would have been Chief Jackson.

13 Q. It would have been in his papers?

14 A. Yes.

15 Q. Okay, so if Chief Jackson says he
16 doesn't--is not aware of any investigation, no papers
17 have been produced with regard to an investigation,
18 would you agree it's unlikely there was an
19 investigation?

20 A. I would agree with that.

21 Q. Based on your review of the police report,
22 and the use-of-force report, and the taser report,
23 would you agree that Officer Kaminski is the only
24 member of the Department who saw the alleged charge by
25 Mr. Moore that morning?

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1 **A.** Based on his, Officer Kaminski's, report?

2 Yes.

3 **Q.** Okay. There's no corroborating officers
4 that were able to say they saw him charge, right?

5 **A.** Not that I'm aware of, no.

6 **Q.** And you agree, based on what we've talked
7 about today, that there was no attempt to verify what
8 he reported? Assuming there wasn't a taser download
9 done, for example, until 2014?

10 MS. SHAFATIE: Object to form and foundation.
11 You can answer.

12 **A.** That--that who? I'm not sure who you are
13 asking about.

14 BY MR. DOWD:

15 **Q.** I'm asking, agree that there was no attempt
16 to verify what Officer Kaminski reported? For
17 example, the taser download wasn't received back until
18 February of 20--

19 **A.** Okay.

20 **Q.** --14?

21 MS. SHAFATIE: Same objection.

22 **A.** I--agreed. I--I don't know.

23 BY MR. DOWD:

24 **Q.** Okay. Were you ever interviewed by anyone
25 from the Department of Justice, as far as their

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1 investigation into the Officer Wilson shooting?

2 **A.** Yes.

3 **Q.** And who, who interviewed you? Do you
4 recall?

5 **A.** There were several people in the room at the
6 time, and they all had questions.

7 **Q.** Okay, and approximately, when did that
8 occur?

9 **A.** I don't know if it was early 2015 or late
10 2014.

11 **Q.** Did that take place at the Police
12 Department, or at the Department of Justice, or--

13 **A.** I believe that was at City Hall.

14 **Q.** City Hall in Ferguson?

15 **A.** Yes. I'm sorry, yes.

16 **Q.** That's all right, and approximately how long
17 did that interview take?

18 **A.** Approximately 20 minutes, 20 to 30 minutes.

19 **Q.** And what was discussed in the meeting?

20 **A.** Hundreds of different topics, from training
21 to use of force, to the policies in place. Again,
22 they--there were so many people and so many questions,
23 it's hard to really even remember what they asked.

24 **Q.** Okay. Did they ask you about specific
25 incidents with individual citizens, that the Ferguson

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1 Police Department encounters with individual citizens?

2 A. Specific ones, I don't recall them asking
3 specific questions.

4 Q. Okay. Was Jason Moore's incident with
5 Officer Kaminski discussed?

6 A. Not that I remember.

7 Q. Did you have any notes from that meeting--

8 A. No.

9 Q. --that you had?

10 A. I did not.

11 Q. Did you report to Officer--Chief Jackson
12 anything about that meeting? Would there be a memo or
13 e-mail to Chief Jackson?

14 A. No.

15 Q. Okay.

16 A. There was not.

17 Q. Do you recall who else may have been
18 interviewed around the time you were interviewed? Did
19 you see other people coming in, or coming into the
20 conference room after--as you were leaving or people
21 coming out as you were going in?

22 A. They interviewed several people, but that
23 specific day, I don't recall if anybody followed me or
24 it was before me.

25 Q. Okay, and do you recall who any of those

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1 several other people that were interviewed might be?

2 **A.** Certainly, Chief Jackson. I think he had
3 several interviews, as a matter of fact. It was--it
4 was sort of bizarre. They picked and chose random
5 individuals, but I believe Captain DeCarli was
6 interviewed. Assistant Chief Eickhoff was
7 interviewed, if I recall. Sergeant Diller, I believe,
8 was interviewed. I'd be guessing at the rest of them.
9 I don't recall if--I know they did interview some
10 patrol officers. They--they interviewed all ranks,
11 but I just don't remember exactly who was interviewed.

12 **Q.** There was one name you just said that I
13 didn't quite catch.

14 (Speaking to the court reporter:) Did you
15 catch them all?

16 THE COURT REPORTER: Phonetically.

17 MR. DOWD: Okay, phonetically. Right
18 before Chief--Assistant Chief Eickhoff, you said
19 somebody. Do you recall--

20 **A.** DeCarli.

21 **Q.** DeCarli?

22 **A.** Yes, Captain DeCarli.

23 **Q.** And how do you spell that, if you know?

24 **A.** D-e capital C-a-r-li.

25 **Q.** Thank you. Based on what we've talked about

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1 so far today, would you agree that if Chief Jackson
2 has testified that he relies heavily on his command,
3 in this case, that would be yourself and Lieutenant
4 Ballard, correct?

5 **A.** Correct.

6 **Q.** As far as the appropriate use of force, and
7 if Officer--the evidence is that Lieutenant Ballard
8 and, to a lesser extent, yourself relied solely on the
9 reports of Officer Kaminski as to what occurred that
10 morning, as to the use of force, I mean, that there
11 really was no independent supervision or investigation
12 of the occurrence that morning?

13 MS. SHAFATIE: Form. You can answer.

14 **A.** I would agree.

15 BY MR. DOWD:

16 **Q.** If Officer White has testified that
17 Lieutenant Ballard never reviewed Officer--Officer
18 Kaminski's use of force with him, meaning Officer
19 White, would you have any reason to disagree with
20 that?

21 **A.** No reason.

22 **Q.** Same question with regard to Chief Jackson:
23 If he never interviewed or spoke to Officer Kaminski
24 according to White, do you have any reason to disagree
25 with Officer White on that testimony?

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1 MS. SHAFAT: Form and foundation. You can
2 answer.

3 BY MR. DOWD:

4 Q. Let me rephrase the question.

5 If Officer White testified that he was never
6 interviewed by Chief Jackson with regard to what
7 happened that morning, would you have any reason to
8 disagree with that?

9 A. No.

10 Q. And you did not review the report with
11 Officers White or Officer Kaminski; correct?

12 A. Correct.

13 Q. Where are you working now, sir, if you are,
14 now that you are successfully retired?

15 A. No, unfortunately, I am working with
16 L. Keeley Construction Company.

17 Q. And where is that located?

18 A. Sauget, Illinois.

19 Q. I wanted to ask you if you could assume from
20 a use-of-force perspective if an officer were to
21 successfully tase a person in the chest, one prong in
22 the chest, one prong in the leg, and that it appeared
23 to have good contact, and good effect, and brought the
24 subject to the ground, the subject was unarmed and
25 naked, the subject was not within reach of any other

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1 citizens that he could harm, that if the officer were
2 to, hypothetically, tase the individual for 20, 21, 22
3 seconds nonstop, without any attempt to comply--or
4 assess compliance of that person, or to do a risk
5 assessment during that time period, would you agree
6 that that would be the unjustified use of force?

7 MS. SHAFAT: Form and foundation. You can
8 answer.

9 A. That one is hard to answer, because I--I
10 don't--not seeing what the action of the individual
11 was, based on what you are saying, that the individual
12 was compliant and remained on the ground, I would have
13 to agree, but not knowing exactly--I don't know
14 exactly what you are referring to, but--

15 BY MR. DOWD:

16 Q. I understand.

17 A. --but I would think--

18 Q. But assuming those facts to be true without
19 admitting them, if someone were to be tased, go down
20 on the initial tase and be tased continuously for 21
21 seconds, approximately, without any interval for a
22 threat assessment, a change in the threat assessment,
23 or compliance assessment, you would agree that in most
24 situations, that would be, that force, that amount of
25 force would be unjustified?

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1 MS. SHAFAT: Same objections. You can
2 answer.

3 A. It's hard to put a number on it, but there
4 would certainly be a reason to wonder why, in fact,
5 that had to happen. There would have had to be a
6 great deal of explanation given as to why 21 seconds'
7 interval was given.

8 BY MR. DOWD:

9 Q. A 21-second application of taser
10 electricity?

11 A. Right. Correct.

12 Q. Without those gaps sufficient for the
13 officer to make those assessments of compliance and
14 changes in the risk assessment?

15 MS. SHAFAT: Same objections.

16 BY MR. DOWD:

17 Q. (Continuing) Threat assessment?

18 MS. SHAFAT: Same objection.

19 A. I would agree.

20 BY MR. DOWD:

21 Q. Okay, because obviously, the--if a person is
22 charging you, you are making a threat assessment that
23 he's charging me, and I'm--and I tase him and bring
24 him down, correct?

25 MS. SHAFAT: Same--

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1 **A.** Correct.

2 MS. SHAFAT: --objection.

3 BY MR. DOWD:

4 **Q.** If that officer--if that person does, in
5 fact, now go to the ground, a charge has ended and
6 they're now on the ground, that's a different threat
7 assessment. Do you agree with that?

8 **A.** Depends what that person is doing on the
9 ground, but I would agree.

10 **Q.** All right, so from the instant they hit the
11 ground, if they're static, that's a different risk
12 assessment, right, than the charging?

13 MS. SHAFAT: Foundation. You can answer.

14 BY MR. DOWD:

15 **Q.** (Continuing) There's a different risk
16 assessment for an officer--a charging person versus a
17 person lying on the ground?

18 **A.** Yes.

19 MS. SHAFAT: Foundation.

20 BY MR. DOWD:

21 **Q.** Okay, and if that person starts to move, it
22 might change the risk assessment on the dial?

23 **A.** There's a lot of dynamics that could happen
24 that would change that, yes.

25 **Q.** All right, if they're just moving, like

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1 groaning and moving around, that's a different threat
2 assessment than somebody who jumps up on their feet
3 and starts charging again, right?

4 MS. SHAFAT: Foundation.

5 A. The way you described it, yes.

6 BY MR. DOWD:

7 Q. Then there's things in between there. There
8 is putting one hand on the ground to start to get up,
9 maybe another hand on the ground to start to get up
10 that's changing the threat assessment for that
11 officer. Would you agree?

12 MS. SHAFAT: Same objection.

13 A. Yes.

14 BY MR. DOWD:

15 Q. Doesn't it also change the threat assessment
16 for an officer if he has a second officer on the
17 scene? Two officers versus one naked, unarmed man
18 changes that threat assessment from one officer with
19 taser bars in the chest that are being effective?

20 MS. SHAFAT: Same objection.

21 A. That would help; doesn't necessarily change
22 it, because depending upon the angle that the other
23 officer had, the other officer may be able to see
24 something that one officer doesn't, so--

25 BY MR. DOWD:

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1 **Q.** Seeing--

2 **A.** It would help, though.

3 **Q.** Seeing something like a weapon?

4 **A.** Yes. Anything.

5 **Q.** Okay, so assuming that there's two officers
6 on the scene and neither one of them suspects a
7 weapon, and there's a taser application occurring, you
8 would agree that that threat assessment by that
9 suspect to the officers is different than when there's
10 one officer?

11 MS. SHAFAT: Form and foundation.

12 BY MR. DOWD:

13 **Q.** Because they're better able to manage the
14 situation physically?

15 **A.** Correct.

16 MS. SHAFAT: Same objection.

17 **A.** (Continuing) Correct.

18 BY MR. DOWD:

19 **Q.** Can you tell me the general policy and
20 procedure at Ferguson when you were there,
21 specifically in the 2011 time frame, when there was a
22 decision made that a use-of-force analysis needed to
23 be done regarding a officer's interaction with a
24 citizen?

25 **A.** Um, actually, anytime that there was a--

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1 everything from voice commands to hands-on situations
2 or weapons situations, a use-of-force report was to
3 be--use-of-force was to be completed.

4 Q. Okay, a use-of-force report was to be
5 completed?

6 A. Yes.

7 Q. All right, is that the same thing as a
8 use-of-force analysis by the Department to make sure
9 the use of force was appropriate?

10 A. Correct.

11 MS. SHAFATIE: Form, foundation.

12 BY MR. DOWD:

13 Q. Okay, and sometimes, it would end there with
14 the supervisor, for example, Lieutenant Ballard, and
15 other times, it would be kicked upstairs to you and
16 the Chief?

17 A. They always--the, the--the end result was
18 that the Chief received all use-of-force reports.

19 Q. Okay, so it's your belief that in this case,
20 he would have received a use-of-force report even if
21 you hadn't signed off?

22 A. Um, yes. Yes.

23 Q. And assuming the use-of-force report is the
24 one we were talking about earlier that Lieutenant
25 Ballard had signed without indicating whether he

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1 thought it was within the Ferguson policies and
2 procedures to use the force in the way they did and
3 that that form did not have your signature on it, and
4 DSN and date, that that's all they would have as far
5 as that use-of-force report, would be sort of no
6 opinion as with regard to the supervisor and yourself
7 as the Captain?

8 MS. SHAFAT: Form. You can answer.

9 A. That's the way it appears, yes.

10 BY MR. DOWD:

11 Q. And as you sit here today, you are not aware
12 of anything different than what it appears, correct?

13 A. No, I know nothing.

14 Q. I understand you were responsible, as the
15 commander of field operations, to keep track of
16 training records?

17 A. Keep track of them? No.

18 Q. Was it your responsibility to make sure the
19 training was done? Maybe I'm--

20 A. Yes, but that would be reported to me.
21 There was a--I'm trying to think which officer was--
22 kept track of the training, and usually on a quarterly
23 basis would send out a report as to the training
24 records for that quarter.

25 BY MR. DOWD:

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1 **Q.** Okay, would the report be like a summary
2 report,--

3 **A.** Basically.

4 **Q.** --a spreadsheet showing the officer's name
5 and what they received?

6 **A.** Basically, yes, that's what it was, and
7 the---also, the St. Louis County Police Academy, where
8 most of our training was conducted, would also send
9 out a report to that individual officer. They would
10 then forward it to all of the commanders.

11 **Q.** Okay, and how would they forward that? In a
12 hard copy, or would that be e-mailed around?

13 **A.** Usually would be the hard copy.

14 **Q.** And what I'm particularly interested in
15 today is, I've heard a couple of different
16 descriptions of shout the officers were kept up-to-
17 date on changes in policies and changes in
18 constitutional law, the legal issues that were out
19 there, so I wanted to ask you about your knowledge of
20 that. Tell me first of all what your understanding is
21 as to how how the officers were updated with regard
22 to, you know, the proper use of force, Fourth
23 Amendment-type issues.

24 **A.** That came from--court decisions and things
25 like that?

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1 Q. Yes.

2 A. Is that what you are referring to?

3 Q. Yes.

4 A. Well, how was that done? We would get a
5 report occasionally, specifically for constitutional
6 law, through--the FBI would send out reports to--and I
7 don't remember the exact sequence, but more than
8 likely, they were sent to Chief Jackson, who would
9 then forward them out, but I don't really remember the
10 track, how that happened.

11 Q. And I may be using this term incorrectly,
12 but a communications officer, would they be involved
13 in distributing communications from the Chief and
14 making sure people got what the Chief wanted them to
15 receive, or is that more of a dispatch, is that more
16 of a dispatch type--

17 A. No, it was not dispatch, but we really
18 didn't have a communications officer. If anything,
19 the Chief's secretary would distribute the flyer.
20 She'd probably run copies of the FBI training forms or
21 training reports and send them out again by squad or
22 by division, something like that.

23 Q. And would they--did the officers have
24 mailboxes that she could put them in so when they came
25 on duty, they could grab them?

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1 **A.** Yes.

2 **Q.** Okay, and is that how you believe
3 constitutional issues, case law and things like that,
4 were communicated to the officers?

5 **A.** Yes.

6 **Q.** And about how frequently do you think they
7 would have been updated on those issues?

8 **A.** Well, it always varied, because if it was a
9 constitutional--it might be once a year--

10 **Q.** Okay.

11 **A.** --before anything was changed on a
12 constitutional basis. It could be as many as three or
13 four times a year.

14 **Q.** All right.

15 **A.** Just depended on what, what the Supreme
16 Court--whether it went as far as the Supreme Court had
17 decided on.

18 **Q.** Okay, so as the Supreme Court or the courts
19 that are cited in that handout would issue their
20 opinions, sometime after that, you would receive a
21 bulletin from the FBI?

22 **A.** Correct.

23 **Q.** Okay.

24 **A.** Correct.

25 **Q.** And do you have a sense of how much time

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1 would pass between those court rulings and when you
2 received them?

3 **A.** It's easy to say that usually, it's as slow
4 as mail, but on the other hand, it was within a
5 reasonable amount of time. Exact dates and times, it
6 was within, let's say, two months. I would think that
7 would be normal, but it could be as--as rapid as just
8 a couple of weeks, actually.

9 **Q.** From the time that the court rules, that you
10 would have gotten that FBI bulletin on it? Is that
11 what we're talking about?

12 **A.** Yes. Correct.

13 **Q.** All right, and then there'd be a short delay
14 while Ms. Simmons would make the copies and distribute
15 them to the--

16 **A.** Yes.

17 **Q.** --officers? Okay.

18 Do you know what the PASS system is at
19 Ferguson, as far as what the officers may have when
20 they sign in in the morning on their computers?

21 **A.** PASS system? I'm drawing a blank on that
22 one.

23 **Q.** That's all right. I understood that there
24 was ways to communicate changes in policy and
25 procedures?

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1 **A.** I do remember that now.

2 **Q.** Okay.

3 **A.** I do recall that now.

4 **Q.** Okay.

5 **A.** That is correct, we do have a system that
6 updates, whether it be from--whoever it might be from,
7 were put into the PASS system, but thank you for
8 reminding me.

9 **Q.** You are welcome. Do you have anymore
10 details of how that worked? It was your
11 understanding, I guess, that they would--let me tell
12 you what my understanding is from the prior testimony,
13 and that is, if there were changes in the policies or
14 there was a new policy, those would be issued to the
15 officers--I'm going to use the phrase, "Dropbox," or
16 some kind of a mailing, and they would have to look at
17 that on the date that it was distributed.

18 **A.** Absolutely correct.

19 **Q.** But that there wasn't any follow-up testing,
20 like monthly or quarterly, where you give them a
21 series of questions based on the new constitutional
22 law, or the new procedures, or policies, or changes in
23 the old policies?

24 **A.** There was not.

25 **Q.** I understand--tell us what your involvement

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1 was as you recall it with regard to the crisis
2 intervention training or the CIT training.

3 **A.** Only to the respect that we tried, through
4 St. Louis County Police Academy, to have all of the
5 officers attend. However, it was usually very small
6 groups would be able to attend, two, maybe three
7 officers, tops, at a time, just so the street wasn't
8 cut short or the Detective Bureau wasn't cut short,
9 and the classes filled up so fast that usually,
10 departments were only awarded one or two seats for
11 each department that attended St. Louis County, and
12 then we would be informed that we do have other
13 openings if you want to send somebody, so that was
14 the--that was the hope, that we would get everybody
15 certified.

16 **Q.** Okay, and I understand you were in charge of
17 staffing during the end of September--

18 **A.** For the Patrol Division.

19 **Q.** For the Patrol Division, as opposed to the
20 civilians, correct?

21 **A.** The Detective Bureau, and the jail, and so
22 forth.

23 **Q.** Okay.

24 **A.** I was just at the Patrol Division.

25 **Q.** I understand. Thank you. Did you attempt

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1 in your staffing to have a CIT-trained officer in each
2 patrol?

3 **A.** What we did. I mean, that was--there was
4 some--somebody trained. As a matter of fact--and I'm
5 not sure when, but we had several--and I want to say
6 new officers that had two to three years of
7 experience, and if, in fact, they attended the Academy
8 within two or three years, they had already received
9 the CIT training, so there--it would be hard to
10 believe that there was no one with CIT training on--at
11 any--at any time.

12 **Q.** Okay, and was it the--was it your attempt or
13 your instructions that if a CIT officer was in a
14 patrol area and there was a citizen who was having a
15 crisis, either, you know, a psychotic, or emotional,
16 or whatever, somebody who is not committing a crime,
17 per se, but was in need of help, was in a crisis
18 situation, that that officer, that CIT-trained officer
19 would be involved as soon as possible?

20 **A.** Yes.

21 MS. SHAFATIE: Form and foundation.

22 BY MR. DOWD:

23 **Q.** And would that being involved as soon as
24 possible include the officer first on scene attempting
25 to wait until that trained crisis intervention officer

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1 could get to the scene?

2 A. Depends on what was going on at the time.

3 Q. Okay, if possible under the circumstances,
4 they would--you would hope--

5 A. If possible.

6 Q. --they would wait?

7 A. If possible, yes.

8 Q. Okay. Are you aware of, from the time that
9 you were Captain, when you might have been involved in
10 reviewing these use-of-force reports?

11 Let me scratch the question.

12 When did you begin looking at use-of-force
13 reports after you left being a patrolman? Did you
14 look at them as a Sergeant?

15 A. I don't believe we had them at that time.

16 Q. Okay.

17 A. I'm not sure. I don't know if it shows when
18 the report was originated. This says 2010.

19 Q. That could be a version?

20 A. Right, could be a version, but the actual
21 use-of-force report--well--I don't know how long it
22 would have been. Whenever the policy was approved on
23 'em, that's when I started, but I don't know what year
24 that was.

25 Q. So if there's a use-of-force report policy,

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1 when that became in effect, that's when the form
2 likely became in use, and that's when you would have
3 started reviewing them?

4 **A.** That's correct.

5 **Q.** Okay. From the time that you started
6 reviewing them and to the time that you left in March
7 of 2015, could you tell us approximately how many
8 use-of-force reports you may have reviewed as a
9 Captain or Lieutenant?

10 **A.** Um--

11 **Q.** Just your best estimate.

12 **A.** Oh, I would have no idea, because again, it
13 involved anytime if we had a simple incident as a
14 shoplifter, if there would have been a--you know, the
15 refusal to stop by the individual who may have been
16 running or whatever, just if the officer had to yell
17 commands, he would have sent out or he would have
18 wrote down a report, so it's--there would have been
19 hundreds.

20 **Q.** Okay.

21 **A.** Hundreds.

22 **Q.** And there's everything from that example you
23 gave all the way to hands-on, personal handcuffing,
24 because use of batons, use of Mace, use of tasers?

25 **A.** Correct.

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1 **Q.** Do you recall how many deadly force
2 use-of-force reports you reviewed during your time at
3 Ferguson?

4 **A.** Do I recall exactly? No. I don't recall.
5 Deadly force, though, there certainly wasn't very
6 many.

7 **Q.** When you say "deadly force," can we agree
8 you are basically talking about an officer using his
9 firearm? Discharging his firearm?

10 **A.** Correct.

11 **Q.** Okay, on the approximately hundreds, as you
12 said it could be hundreds of use-of-force reports that
13 you looked at, do you recall how many times an officer
14 was disciplined for excessive force based on those
15 use-of-force reports?

16 **A.** Exact number? Not a clue.

17 **Q.** Just your best estimate.

18 **A.** It certainly happened, but if I were to
19 throw something out, I'd say less than five times.
20 Five times or less, I should say.

21 MR. DOWD: Okay. Okay, let go off the
22 record, please.

23 THE VIDEOGRAPHER: Off the record at 4:26.

24 (Recess.)

25 THE VIDEOGRAPHER: Back on the record at

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1 4:28.

2 BY MR. DOWD:

3 Q. Captain Henke, I had a couple of people I
4 forgot to ask you about. Did you talk to the Medical
5 Examiner or anyone at the Medical Examiner's Office
6 regarding Jason Moore?

7 A. No, I don't believe so.

8 Q. There's a Detective Wilson who I believe did
9 talk to them. Did you ever talk to Detective Wilson
10 about Officer Kaminski's use of force on Jason Moore?

11 A. Not that I recall, no.

12 Q. Okay, did you review any medical records of
13 Jason Moore's as part of your duties at Ferguson?

14 A. I may have; I just don't recall.

15 Q. Okay.

16 A. All of that would have been turned over to
17 Captain DeCarli.

18 Q. I'm sorry?

19 A. Captain DeCarli was the division commander
20 of the detectives, and Officer Wilson, I believe, was
21 a detective during that time, so she reported directly
22 to Captain DeCarli.

23 (Plaintiff's Exhibit 37 marked for
24 identification.)

25 Q. You may not know anything about these, but I

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1 have--while I have you here, and based upon your
2 experience, let me give you what's been marked Exhibit
3 37, and I'll give your attorney a copy, as well.
4 These are the--do you know what the CAD is, the
5 computer--is it the dispatch?

6 **A.** Yes.

7 **Q.** Would you tell the jury how that works in
8 general terms at the Ferguson Police Department while
9 you were there?

10 **A.** General terms, the dispatcher would receive
11 a call for police of some sort by a resident, a
12 citizen. If it required that a police officer
13 respond, then a CAD report or a computer-aided
14 dispatching report would be generated in the computer
15 by the dispatcher and sent to whichever car or
16 whichever officer was to respond to that call.

17 **Q.** We may be deposing someone else on this
18 document, but I wanted to ask you, if I may while I
19 have you, if we could look at Exhibit 37, does that
20 look like a--a CAD transcript to you? You can--you
21 are welcome to page through that, if you like.

22 **A.** Yes, that's what it looks like.

23 **Q.** Do you notice any part of the CAD transcript
24 missing that you would normally expect to see?

25 **A.** Off the top of my head, not that I recall.

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1 **Q.** Okay, so the first page is "Incident
2 Maintenance." Do you know what that means?

3 **A.** No. I don't know what the terminology is.

4 **Q.** As we go down that left side of that first
5 page, it says, "Call date and time, 9/17/2011,
6 6:46:09." Would that be the date the call was
7 received at the Department by the citizen?

8 **A.** That would have been the date and time, yes.

9 **Q.** Okay, and so under that is the dispatch
10 time. Can you tell us what that time is? It's just
11 one second later.

12 **A.** Yeah, those two usually coincide when the
13 call came in, and the dispatch time is when they would
14 put the call out.

15 **Q.** Okay, and when you put the call out, do you
16 put it out to a specific patrol area?

17 **A.** Well, one, it's entered into the CAD system,
18 which the officers had a computer in their car also,
19 and then it was verbally given to a specific unit, a
20 specific car.

21 **Q.** Okay, and then this one shows the third
22 line, "Arrive date/time 6:46:27," which would be 17--

23 **A.** Second later.

24 **Q.** --seconds after it was dispatched, correct?

25 **A.** That's correct.

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1 **Q.** Okay, and then it shows "Cleared date and
2 time." Tell us what that means.

3 **A.** That's when all units have finally gone 10/8
4 from the call or released themselves from that call.

5 **Q.** Okay, so some may release themselves
6 earlier, but this was when the last officer or
7 commander released the call?

8 **A.** Yes.

9 **Q.** And that states 14:26:46. That would be
10 about 3:26 in the afternoon?

11 **A.** 2:26.

12 **Q.** 2:26. Thank you. Just subtract 12, right?

13 **A.** Correct, or add 12, either way.

14 **Q.** Right. Then it says, "Disposition: RPT" to
15 the right of that. Can you tell us what your
16 understanding of that is, please?

17 **A.** "Report."

18 **Q.** "Report"?

19 **A.** Yes.

20 **Q.** And what does that mean?

21 **A.** That there would actually be a hard-copy
22 report written on this incident.

23 **Q.** Okay. It shows the location, Airport Road;
24 cross street, North Marguerite; nature of call,
25 suspicious person. Correct?

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1 **A.** Correct.

2 **Q.** So then it has "Caller" and "Complainant,"
3 and there's just some hash marks there. Do those have
4 any meaning to you?

5 **A.** Not to me.

6 **Q.** Okay, then it says, "Incident Type: 7191 P"
7 S-u-s-p P-e-r-s.

8 **A.** The four-digit number is just a code in the
9 computer that indicates this is a suspicious person.

10 **Q.** Okay.

11 **A.** As an example, there are--like, under a
12 traffic accident would be 10:50. I don't know what
13 the four-digit number would be, but there might be
14 twenty different types of 1050 reports, so that's--
15 "7191" apparently is a suspicious person.

16 **Q.** Okay, then it says "Report Required"?

17 **A.** Yes.

18 **Q.** And how is that determined?

19 **A.** Usually, once the officer calls back in, but
20 in this case, when they know that there is an arrest,
21 the dispatcher just automatically knows that there's
22 going to be a report, so they complete the "Yes"
23 requirement.

24 **Q.** Okay, whether there's an arrest, it says
25 it's sort of the same as taking somebody into custody?

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1 **A.** Correct.

2 **Q.** Okay, then it says "Unit Number 1, F25." Is
3 that the car number?

4 **A.** Yes. It stands for Frank 25.

5 **Q.** Okay, so if it says "F25 on scene," the
6 dispatcher knows that that's Bebe; correct?

7 **A.** Correct.

8 **Q.** And what is "ID number"--so then it says
9 "I"--"ID number 1, Bebe, Matthew," then it says, "ID
10 number 3, White, Michael." Do you see that?

11 **A.** I do. You know, and I honestly don't know
12 what it is.

13 **Q.** Okay.

14 **A.** Don't recall.

15 **Q.** Okay. If you go to the next page, please,
16 looks like the first part is the same as it was on the
17 previous page?

18 **A.** Yes.

19 **Q.** The only--looks like the only real
20 additional information is the "WM." What does that
21 stand for?

22 **A.** Usually, it indicates white male.

23 **Q.** "White male nude running and screaming in
24 the middle of the street, multiple 9/11 calls"?

25 **A.** Correct.

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1 **Q.** It doesn't say anything here on this call
2 about him beating on cars or pushing off cars;
3 correct?

4 **A.** Correct.

5 **Q.** Okay. If you would go to the third page,
6 please.

7 **A.** Mm-hmm.

8 **Q.** This page is completely different, and it
9 says, "Free Form Document" at the top. Do you see
10 that?

11 **A.** The free form--oh, yes, I see. Okay.

12 **Q.** And then underneath that, it says, "Dispatch
13 Narrative," "information on the units assigned to the
14 call follows." Could you tell us first generally what
15 this report is?

16 **A.** This indicates all of the officers that
17 either were dispatched or took it upon themselves to
18 arrive at the scene to assist, or, like, in the case
19 of a supervisor, would arrive at the scene. If they
20 actually called out that they were at the scene, then
21 the dispatcher would include them or add them to the
22 list of who they--who--who it was, what car it was,
23 and what time they arrived, and what time they were
24 cleared from the scene.

25 **Q.** Okay, so on the first page, it looks like

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1 F25 is Officer Bebe and F26 is Officer White. Do you
2 see that?

3 A. Yes.

4 Q. So if we look back on page 3, it looks like
5 Officer Bebe was dispatched at 6:46. Do you agree
6 with that?

7 A. Yes.

8 Q. And then he arrives at 6:46?

9 A. Yes.

10 Q. And then he's cleared at 8:39.

11 A. Agreed.

12 Q. Okay, and what does "cleared" mean?

13 A. He is re--removed from the scene.

14 Q. Okay.

15 A. He's going back in service.

16 Q. Okay, so back in service, he may have been
17 back at the station, working on his report, but now
18 he's basically done with that call? Do you know what
19 that means? From the scene, or does that just mean
20 released back in service, cleared for service?

21 A. Usually, that means it's cleared for
22 service. He could have gone 10/8 from--he may have
23 gone 10/8 from the scene but still remaining on the
24 call, so he would still, still be attached to the
25 call.

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1 **Q.** Okay, you say he could have been 10/8 from
2 the scene?

3 **A.** Yes, back in service from the scene.

4 **Q.** Okay, then looks like unit F26 is Officer
5 White. It looks like he was dispatched at 6:46 and he
6 arrived at 6:46, and he was cleared either from the
7 scene or from the matter at 7:31 A.M. Is that--

8 **A.** Yes.

9 **Q.** --correct?

10 **A.** Correct.

11 **Q.** Do you know who unit F24 is?

12 **A.** 586; no, I don't remember who that was, no.

13 **Q.** So if you would look at that Exhibit 12,
14 that front page, down the left--second box from the
15 left, it looks like unit number F24 is Officer
16 Kaminski. Do you see where it says, "Unit number 24"?

17 **A.** Yes.

18 **Q.** On the right, it says "Reporting Officer...
19 Kaminski"?

20 **A.** Yes.

21 **Q.** So would you agree that back over on Exhibit
22 37, if we talk about F24, we're talking about Officer
23 Kaminski's car?

24 **A.** Um, well, if the dates are the same, because
25 they--they change assignments all the time.

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1 **Q.** Sure. The dates do appear to be the same,
2 9/17/11, 6:46. The time is the same?

3 **A.** Yes.

4 **Q.** Okay, so the dispatch time comes from the
5 dispatcher. The arrival time would come from the
6 officer, right? There's no one--

7 **A.** Yes. Correct.

8 **Q.** And then he is cleared at--also on September
9 17, 2011, at 14:26. It looks like he is the last
10 officer cleared.

11 **A.** Correct.

12 **Q.** Do you know why that is?

13 **A.** Why he was the last officer?

14 **Q.** Cleared, yes.

15 **A.** Apparently, he finished everything that he
16 had to finish--

17 **Q.** Okay.

18 **A.** --at that time.

19 **Q.** Excuse me. Does the officer clear
20 themselves from the scene, or does the dispatcher
21 record that?

22 **A.** Well, the officer will notify Dispatch,
23 letting them know that they are 10/8, or clear.

24 **Q.** Okay, and then the dispatcher enters these?

25 **A.** Correct.

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1 **Q.** Okay, so the--Dispatch is the actual
2 transcriber on a CAD transcript?

3 **A.** That is correct.

4 **Q.** And so if you would go down to the bottom,
5 it says, "Information on the units assigned to the
6 call follows," and that's where we're still on page 3
7 of Exhibit 37.

8 **A.** Yes.

9 **Q.** So again, it looks like Officer Bebe is F25,
10 and Officer White is F26, and Officer Kaminski is F24.

11 **A.** Right.

12 **Q.** The only thing I see that is different is--
13 well, for Unit 25, it says, "Radio 25. Does that have
14 any significance? He's just saying 25?

15 **A.** They--the series of 20 indicates a day
16 watch. "5" means what sector he was in, so
17 apparently, he was riding twenty--25 sector, which
18 means day watch, 5 sector.

19 **Q.** Okay, and then it looks like the arrival
20 time--I'm sorry, dispatch time and arrival times are
21 the same as above, and then the clear time is four
22 seconds different for Officer Bebe. Do you see that?

23 **A.** Right.

24 **Q.** Do you know why that would be?

25 **A.** Don't have a clue.

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1 **Q.** I'm sorry?

2 **A.** No, I have no idea.

3 **Q.** Okay. All right. The next one is Officer
4 White. Again, it shows the same dispatch time, same
5 arrival time, and the exact the same clear time. Do
6 you see that?

7 **A.** Yes.

8 **Q.** And Exhibit 24, for whatever reason, it
9 doesn't show it on this page.

10 **A.** Right.

11 **Q.** Does that make sense, that it's the top one
12 on the next page? The times seem to be the same as
13 above.

14 See where it says dispatched 6:426, arrive
15 6:46, cleared--this cleared says 8:35, which is
16 different than Officer Bebe--excuse me, Officer
17 Kaminski's cleared time on the--

18 **A.** Correct.

19 **Q.** --previous page.

20 **A.** That's totally different. I don't know why.

21 **Q.** Do you happen to know who Unit 20 or Unit 21
22 are?

23 **A.** Frank 20 would have been Lieutenant Ballard.

24 **Q.** Okay.

25 **A.** 20 signifies--or the zero signifies the

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1 supervisor on duty or the lieutenant on duty.

2 Q. Got you.

3 A. The Frank 21, I don't know--by DSN 602, I do
4 not know who that would have been.

5 Q. So that--above that, that 299 is Lieutenant
6 Ballard's--

7 A. Correct.

8 Q. --DSM? Okay?

9 A. That is correct.

10 Q. Do the DSM numbers tell you the higher they
11 are, the lower the rank?

12 A. Yes.

13 Q. Okay, so that's likely a patrol officer?

14 A. Yes, it would have been a patrol officer.

15 Q. All right. Okay, so if we could go to this
16 next section where it says, "Dispatch received by Unit
17 Frank 25" at 6:46:16, so that's Officer Bebe, the next
18 line is "Dispatch received by Unit F26" at 6:46:18.

19 That's Office White, correct?

20 A. Correct.

21 Q. And the next one, "Dispatch received by Unit
22 F24," 7:11:05, that's Officer Kaminski; correct?

23 A. That's correct.

24 Q. Okay. What does that mean, "Dispatch
25 received by"?

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1 **A.** Well, that's a good question. I don't know.

2 **Q.** Okay.

3 **A.** Don't know.

4 **Q.** Then it shows below, there, dispatch
5 received by Lieutenant Ballard at 7:12:44.

6 **A.** Right.

7 **Q.** Could that mean that's a communication
8 through their radio to dispatcher?

9 **A.** It could very well be. I really don't know.

10 **Q.** But there's no way to tell from this report
11 what's being said, whether it's on scene, leaving
12 scene?

13 **A.** Correct.

14 **Q.** As we go down, we see another dispatch by
15 Officer White, Frank 26, at 7:22:03; correct?

16 **A.** Mm-hmm, correct.

17 **Q.** If he, if Officer White testified that an
18 ambulance was called at the completion of the tasing
19 and then the ambulance was asked to hurry once they
20 realized he wasn't breathing, is there any way, from
21 what we've seen in this report, to determine which of
22 these calls would have been for ambulance? They
23 call--

24 **A.** No.

25 **Q.** They call Dispatch for ambulance, right?

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1 **A.** Yes.

2 **Q.** And the dispatcher calls the ambulance
3 service?

4 **A.** That is correct.

5 **Q.** Okay, so the next one is--that I'd like to
6 ask you about is "F002 WAS ADVISED AT 7:38 A.M.," then
7 it says, "COLLINS" at 7:21:45. Do you know who
8 Collins is?

9 **A.** The dispatcher.

10 **Q.** Okay. Does "F002" mean anything to you as
11 far as what was being advised of?

12 **A.** Frank 2 is the Assistant Chief.

13 **Q.** Okay, is that Ulrich we talked about
14 earlier?

15 **A.** Eickhoff.

16 **Q.** Eickhoff. Thank you. Sorry.

17 **A.** Well, no, let me go back. Frank--at that
18 time, Frank 2 was me.

19 **Q.** Okay.

20 **A.** I was advised, at 7:38 in the morning.

21 **Q.** That's when you would have first learned of
22 this incident?

23 **A.** Yes.

24 **Q.** And then it says, "F25 STATION." I
25 understand F25 is Bebe, and then under the "CLR"

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1 column, it says "Henke," and then the time is 7--7:47
2 in the morning, correct?

3 **A.** Correct.

4 **Q.** And what does that mean to you?

5 **A.** Well, by the way, that's not my spelling.

6 **Q.** Okay.

7 **A.** So--and now that I recall, we did actually
8 have a dispatcher by the name of Hanke, but it was
9 spelled with an "a" instead of an "e."

10 **Q.** Okay, thank you.

11 So the rest of that page, it says "Dispatch
12 received by unit"--that's something that the
13 dispatcher was telling F25, and then right below that,
14 Officer Kaminski, Frank 24, and that can be anything
15 from giving him information to saying that you can
16 copy, right? You understood you got, you received a
17 dispatch and you copy?

18 **A.** Basically, yes.

19 **Q.** How much of this is actually computerized,
20 to your knowledge, where it happens automatically if
21 there's a communication that puts it in there? Is
22 that dispatcher literally trying--looking at a clock
23 and typing in "8:39:09"?

24 **A.** No, I--whenever an--whenever the entry key
25 is hit, there's a time stamp to it.

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1 Q. So the time stamp is automatic, then?

2 A. Automatic.

3 Q. I got you. If you would go to the next
4 page, please, at the top of this, this column on the
5 left, where it says "Received," above that number,
6 it's "ORI." Can you--do you understand what "ORI"
7 means?

8 A. That's just our department number--

9 Q. Okay.

10 A. --in St. Louis County.

11 Q. That's Ferguson?

12 A. That's Dispatch, our Dispatch number.

13 Q. Okay, then it says, "597 Jeremy Evans,
14 CAD1A1." Is that a dispatcher's identification?

15 A. I don't--I don't remember who Jeremy Evans
16 is, but it had to be some--it had to be a dispatcher,
17 yes.

18 Q. Okay, do you know who Connie Glasgow is?

19 A. That was a dispatcher.

20 Q. So they would have been the dispatchers
21 along with Collins who would have been involved in
22 these calls? Fair statement? And Henke, maybe?

23 A. Well, and--well, it's interesting, because
24 Collins was also--that's a maiden name--

25 Q. Okay.

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1 **A.** --for Connie Glasgow, so I just wondered if
2 that was somehow slipped through there,--

3 **Q.** Uh-huh.

4 **A.** --because normally, we wouldn't have had
5 more than two dispatchers on at a time unless we had
6 someone in training, which that could have been Jeremy
7 Evans.

8 **Q.** Mm-hmm. Understood. If you would, on that
9 page I think that we're on that I asked you where
10 Jeremy Evans and Connie Glasgow, who they were, on the
11 column right below their names, it says, "Source:
12 Telephone." Do you see that?

13 **A.** Correct.

14 **Q.** That's where the source of the call was
15 from? Correct?

16 **A.** That is correct.

17 **Q.** What does "Mutual Aid" mean right below
18 that?

19 **A.** If that was Dispatch, Mutual Aid is with
20 Police and Fire. We may have called another police
21 department,--

22 **Q.** Okay.

23 **A.** --and they would have aided us.

24 **Q.** Okay, and that's blank, so it looks like you
25 did not--there was no aid given by a neighboring

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1 department, correct?

2 A. Correct.

3 Q. And you--that would not be completed just
4 for an ambulance response, right?

5 A. That's correct.

6 Q. If you would go to the next page, please, I
7 think I understand most of the entries here. If you
8 would look on the right lower box, the first entry is
9 "E911." Do you see that?

10 A. Yes.

11 Q. And then there's a zero time. What does
12 that indicate to you?

13 A. That it was not a 911 call. It was received
14 at the Police Department--

15 Q. Okay, so this is--

16 A. --on a regular--

17 Q. --someone calling in not as a 911 routing
18 call?

19 A. Correct.

20 Q. Okay. Again, it shows the call at 6:46:09
21 on the date in question. It shows the dispatch at
22 6:46:10, shows someone is "Enroute" 6:46:10, shows
23 someone, "Arrive 1," at 6:26:27.

24 A. Yes.

25 Q. Do you know who, who--who "1" was that

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1 arrived at 6:46:27?

2 A. On the previous column, ID number 1 is Bebe.

3 Q. Okay.

4 A. So it should have been Bebe that arrived.

5 Q. Okay, so this is recording his arrival time?

6 A. Yes.

7 Q. Does it indicate to you that he's the first
8 one the scene?

9 A. That's what it indicates.

10 Q. The report indicates Officer Kaminski was
11 the first one to encounter Mr. Moore, right?

12 A. Agreed.

13 Q. This doesn't indicate when Officer White or
14 Officer Kaminski arrived; correct?

15 A. This page does not, no.

16 Q. Yes, sir.

17 A. Does not.

18 Q. The next page is "Incident Recalled From,"
19 and there's a bunch of numbers after that. Do you
20 know what that means?

21 A. Hmm: No. I'm really not familiar with that
22 at all.

23 Q. Okay, thank you.

24 Captain Henke, would you agree that when
25 police departments create policies, and procedures,

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1 and train the officers not to use excessive force,
2 that this is for the public safety of all citizens?

3 MS. SHAFAT: Form and foundation. You can
4 answer.

5 A. I would agree.

6 BY MR. DOWD:

7 Q. Okay. Would you agree that police
8 departments' excessive force analysis and supervision
9 of the departments' officers should be designed to
10 protect the public from abuse by police officers?

11 MS. SHAFAT: Same objections.

12 A. Well, again, I would agree, but that's not
13 the only reason.

14 BY MR. DOWD:

15 Q. Understood. You will concede, sir, that
16 police departments must train their officers on how to
17 safely hold people in certain crisis?

18 MS. SHAFAT: Same objections.

19 A. I would agree.

20 BY MR. DOWD:

21 Q. And based on your training and experience,
22 you agree that this is important to protect the
23 public?

24 MS. SHAFAT: Same.

25 A. I would agree, but for other reasons, as

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1 well.

2 BY MR. DOWD:

3 Q. Okay, why don't you tell me why it's
4 important?

5 A. Well, it's part of our training. It's part
6 of our professional status is to--we're to safeguard
7 ourselves, we're to safeguard citizens, we're to
8 safeguard everybody, so it's not--we don't make policy
9 just to protect one resource.

10 Q. Understood, and while everyone understands
11 that the Department and police officers in general are
12 there for law enforcement to enforce the laws and
13 apprehend people, there's also a community caretaking
14 aspect to the police profession, correct?

15 MS. SHAFAT: Same objection.

16 A. Oh, absolutely.

17 BY MR. DOWD:

18 Q. All right, and what's your experience with
19 community caretaking aspects of the police profession?

20 A. It's probably the single thing that we do
21 the most. It's just--that's what police do.

22 Q. Helping people in non-criminal situations,
23 everything from being stranded on the highway, to
24 people being sick, domestic disputes, psychotic
25 reactions, people just in need of help, as opposed to

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1 being apprehended and put in jail?

2 **A.** Absolutely.

3 MS. SHAFIAE: Same objection.

4 BY MR. DOWD:

5 **Q.** And you would agree, concede that police
6 officers must never use more force than is reasonably
7 necessary when dealing with people?

8 MS. SHAFIAE: Same.

9 **A.** I would agree with that statement, yes.

10 BY MR. DOWD:

11 **Q.** And agree that that is also to protect
12 everyone from serious injury or possibly death?

13 MS. SHAFIAE: Same.

14 **A.** Agreed.

15 MR. DOWD: All right, I don't have any
16 further questions. I appreciate your time today.
17 Thank you, so much.

18 THE WITNESS: You are welcome.

19 EXAMINATION

20 QUESTIONS BY BY MS. SHAFIAE:

21 **Q.** I just have really quick follow-up. Can I
22 get you to look back at Exhibit 37, and can I have you
23 turn to the page that's Bates labeled at the bottom
24 1847? This is a page that you discussed with
25 Mr. Dowd, and it lists all of the law enforcement

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1 officers that apparently were involved in this
2 incident, correct?

3 **A.** I don't know if all of them were listed on
4 this page, but there are some that were listed, yes.

5 **Q.** Okay, and you talked about how they can be
6 identified by the "F" and then the number which I
7 think you said was Frank 20-something.

8 **A.** Correct.

9 **Q.** And that's one way of identification, then
10 you also pointed to some numbers which I think are
11 more to the right of the page, which are DSN numbers.
12 Is that correct?

13 **A.** Correct.

14 **Q.** Now, as you look at this page, do you see
15 that all of the arrival times for Frank 25, Frank 26,
16 Frank 24, Frank 20 and Frank 21 are listed as 6:46?

17 **A.** Agreed.

18 **Q.** Okay, and do you know, when an officer gets
19 on scene to the scene of an incident that they've been
20 dispatched for, will they always let the dispatchers
21 know that they're on scene?

22 **A.** No.

23 **Q.** Okay. If they don't let the dispatcher know
24 that they're on scene, do you know what the dispatcher
25 might do when they're filling out a report like this?

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1 MR. DOWD: Objection to the extent it may
2 call for speculation, but go ahead, sir, please.

3 A. Based on the training of the dispatcher,
4 they often will put in the time themselves instead of
5 relying on the officer to do it.

6 BY MS. SHAFIAE:

7 Q. Okay, and if the dispatcher doesn't have any
8 information about when officers arrived on scene,
9 would it be common for them to assign the number of
10 the first officer that was on scene?

11 A. It is common, but we prefer that they do
12 not.

13 Q. Okay.

14 A. But it is common, yes.

15 Q. So, for instance, in this case, if the first
16 officer on scene was Officer Kaminski and he arrived
17 around approximately 6:46 A.M. but the other officers
18 did not report to the dispatchers when they arrived,
19 is it possible that the dispatcher just put in the
20 arrival time of Officer Kaminski for all of the other
21 officers that came subsequently?

22 A. It's very possible.

23 MS. SHAFIAE: Okay.

24 Do you have any questions based on that?

25

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1 FURTHER EXAMINATION

2 BY MR. DOWD:

3 **Q.** I was just going to say, is there any way to
4 know who--if Officer Kaminski, from looking at this
5 CAD, was the first to report to the dispatcher that he
6 was on scene?

7 **A.** There's no way to--no way to say this.

8 MR. DOWD: Okay, and--okay. Again, I thank
9 you for your time, sir.

10 THE WITNESS: Anything else?

11 MS. SHAFIAIE: No.

12 THE VIDEOGRAPHER: Off.

13 MR. DOWD: Signature?

14 MS. SHAFIAIE: We'll read, review.

15 THE VIDEOGRAPHER: We're off the record at
16 4:59.

17 (Whereupon, at 4:59 P.M., the
18 deposition was concluded.)

19

20

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1 State of Missouri.)

2) SS.

3 City of St. Louis)

4 I, J. Bryan Jordan, a Certified Court
5 Reporter in and for the State of Missouri, duly
6 commissioned, qualified and authorized to administer
7 oaths and to certify to depositions, do hereby certify
8 that pursuant to Notice in the civil cause now pending
9 and undetermined in the United States District Court
10 for the Eastern District of Missouri, Eastern
11 Division, to be used in the trial of said cause in
12 said court, I was attended at the offices of Pitzer
13 Snodgrass, P.C., in the City of St. Louis, State of
14 Missouri, by the aforesaid witness and by the
15 aforesaid attorneys, on the 14th day of December,
16 2015.

17 The said witness, being of sound mind
18 and being by me first carefully examined and duly
19 cautioned and sworn to testify the truth, the whole
20 truth, and nothing but the truth in the case
21 aforesaid, thereupon testified as is shown in the
22 foregoing transcript, said testimony being by me
23 reported in shorthand and caused to be transcribed
24 into typewriting, and that the foregoing pages
25 correctly set forth the testimony of the

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1 aforementioned witness, together with the questions
2 propounded by counsel and remarks and objections of
3 counsel thereto, and is in all respects a full, true,
4 correct and complete transcript of the questions
5 propounded to and the answers given by said witness;
6 that signature of the deponent was not waived by
7 agreement of counsel.

8 I further certify that I am not of
9 counsel or attorney for either of the parties to said
10 suit, not related to nor interested in any of the
11 parties or their attorneys.

12 Witness my hand and seal at St. Louis,
13 Missouri, this 21st day of December, 2015.

14

15

16

17

18

19



20

J. Bryan Jordan

21

Certified Court Reporter

22

State of Missouri No. 532

23

24

25



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1 GorePerry Reporting & Video

2 Monday, December 21, 2015

3

Ms. Ida S. Shafaie

4 Pitzer Snodgrass

100 South Fourth Street, Suite 400

5 St. Louis, MO, 63102

6 Re: Deposition of Richard Henke

Date:Monday, December 14, 2015

7 Case:Tina Moore, et al. vs.

Brian Kaminski, et al.

8

9 Ms. Ida S. Shafaie

10 Your witness did not waive the right to read and sign
his/her deposition in the above referenced matter.

11 Enclosed is the copy of the deposition you ordered,
together with errata sheets and additional signature
12 page. Please instruct your witness to read the
transcript, list any corrections (including page and
13 line number) on the errata sheets, sign and date the
errata sheets and signature page.

14

Within 30 days, please return the errata sheets and
15 signature page to our office for further processing.

16 Your prompt cooperation will be appreciated.

17

18

19

20

21 Sincerely,

22

23 Production Department

GorePerry Reporting & Video

24 515 Olive Street

St. Louis, MO 63101

25 (314) 241-6750

Gore Perry Reporting and Video

FAX 314-241-6750

314-241-6750

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1 Page Line Should Read:
2 Reason for change:
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4 Page Line Should Read:
5 Reason for change:
6
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8 Reason for change:
9
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11 Reason for change:
12
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14 Reason for change:
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20 Reason for change:
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23 Reason for change:
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5 Reason for change:

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7 Page Line Should Read:

8 Reason for change:

9

10 Page Line Should Read:

11 Reason for change:

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13 Page Line Should Read:

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16 Page Line Should Read:

17 Reason for change:

18

19 Page Line Should Read:

20 Reason for change:

21

22 Page Line Should Read:

23 Reason for change:

24

25

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1 Comes now the witness, Richard Henke,
2 and having read the foregoing transcript
3 of the deposition taken on 12/14/2015,
4 acknowledges by signature hereto that it is a
5 true and accurate transcript of the testimony given
6 on the date hereinabove mentioned.

7

8

9

10 _____
Richard Henke

11

12 Subscribed and sworn to me before this
13 _____ day of _____, 20____.

14 My Commission expires

15

16

17

18 _____
Notary Public

19

20

21

22

23

24

25

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1 COURT MEMO

2

3

4

5 Tina Moore, et al. vs. Brian Kaminski, et al.

6

7

8 CERTIFICATE OF OFFICER AND

9 STATEMENT OF DEPOSITION CHARGES

10

11 DEPOSITION OF Richard Henke

12

13 12/14/2015

14 Name and address of person or firm having custody of
15 the original transcript:

16

17 Dowd & Dowd

18 211 North Broadway, Suite 4050

19 St. Louis, MO 63101

20

21

22

23

24

25

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1 ORIGINAL TRANSCRIPT TAXED IN FAVOR OF:

2

3 Dowd & Dowd

4 211 North Broadway, Suite 4050

5 St. Louis, MO 63101

6 Total:

7 1 ONE COPY - TAXED IN FAVOR OF:

8

9 Pitzer Snodgrass

10 100 South Fourth Street, Suite 400

11 St. Louis, MO 63102

12 Total:

13

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15

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1 Upon delivery of transcripts, the above
2 charges had not been paid. It is anticipated
3 that all charges will be paid in the normal course
4 of business.

5 GORE PERRY GATEWAY & LIPA REPORTING COMPANY
6 515 Olive Street, Suite 700
7 St. Louis, Missouri 63101

8 IN WITNESS WHEREOF, I have hereunto set

9 STATEMENT OF DEPOSITION CHARGES

10 my hand and seal on this _____ day of _____

11 Commission expires

12 _____

13 Notary Public

14

15

16

17

18

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20

21

22

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25

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